

SENATE BILL 2637

By McNally

AN ACT to amend Tennessee Code Annotated, Title 38,
Chapter 1, relative to the reporting of certain
crimes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 1, Part 1, is amended by
adding the following as a new section:

Section 38-1-107.

(a) It is an offense for a person to fail to immediately report the commission of a
criminal offense committed by another to an appropriate law enforcement officer or
agency if:

(1) The person observed the commission of the offense or otherwise had
actual knowledge of the commission of the offense;

(2) The person's knowledge of the offense was under circumstances in
which a reasonable person would believe serious bodily injury or the death of
another resulted from the offense;

(3) A reasonable person would believe that the commission of the
offense had not been reported; and

(4) The person could immediately report the commission of the offense
without placing such person or another in danger of suffering serious bodily injury
or death.

(b) It is a defense to a violation of this section that the person made reasonable
efforts to notify an appropriate law enforcement officer or agency but failed to do so or a
law enforcement officer or agency failed to act upon the notification.

(c) A person who in good faith reports the commission of a criminal offense pursuant to this section shall not be liable to the person or persons alleged to have committed the offense or any alleged victim of the offense for any civil damages as a result of the act of such person in reporting the offense as required by this section, or as a result of any act or failure to act to also provide or arrange for medical treatment or care for the injured person, except such damages as may result from the gross negligence of such person.

(d)

(1) A violation of this section is a Class B misdemeanor if the offense the person failed to report resulted in serious bodily injury to another.

(2) A violation of this section is a Class A misdemeanor if the offense the person failed to report resulted in the death of another.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.